

STATE OF MICHIGAN  
COURT OF APPEALS

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DEBORAH JEAN NORMAN,

Plaintiff-Appellee,

v

DAVID LOUIS NORMAN,

Defendant-Appellant.

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UNPUBLISHED  
October 27, 2000

No. 223046  
Chippewa Circuit Court  
LC No. 99-000050-DM

Before: Griffin, P.J., and Cavanagh and Gage, JJ.

MEMORANDUM.

Defendant appeals as of right the judgment of divorce entered by the trial court. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant argues the trial court erred in entering a judgment of divorce over his objection, where he erroneously believed that he and plaintiff were represented jointly by counsel, that they had reached only an interim agreement and not a final judgment of divorce. We disagree.

Courts are bound by property settlements reached by parties to a divorce action in the absence of fraud, duress, mutual mistake, or severe stress that prevented a party from understanding the nature of the act in which he was engaged. *Keyser v Keyser*, 182 Mich App 268, 270; 451 NW2d 587 (1990). This rule applies whether the settlement is oral or written, even though not yet formally entered as a judgment. *Id.* The trial court's finding as to the validity of the parties' consent will not be overturned absent an abuse of discretion. *Id.* A consent judgment rests on the agreement of the parties and not the judgment of the court, and generally cannot be set aside without the approval of the parties. *Applekamp v Applekamp*, 195 Mich App 656, 662; 491 NW2d 644 (1992).

The trial court did not abuse its discretion in finding an absence of fraud, duress, mutual mistake, or severe stress. Defendant never met with the attorney and had no reasonable basis to believe he was represented by him. All instructions for drafting the judgment were given by plaintiff and were approved by defendant. Nothing in the judgment indicated that it was an interim order. Defendant had some college education, owned his own business, and previously consulted with attorneys. There was no showing that he failed to understand and voluntarily enter into the judgment.

Affirmed.

/s/ Richard Allen Griffin

/s/ Mark J. Cavanagh

/s/ Hilda R. Gage